

## HOMELAND SECURITY

In the 108th Congress, DeFazio was chosen to serve on the newly-created Select Committee on Homeland Security. Congressman DeFazio's top priority, as a member of the new committee is to provide Oregon's first responders— local police, fire, emergency services, and health care officials— with the resources they need for disaster preparedness, training, and communications equipment to deal with natural and non-natural disasters. The Congressman has kept a close eye on the organization and implementation of the new Department of Homeland Security to ensure that it improves the security of our nation.

With his expertise on aviation and transportation issues as well as his knowledge of energy infrastructure, DeFazio brings extensive experience to the Select Committee.

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### **In the 108th Congress (2003-2004)**

► **In response to concerns expressed by DeFazio, the Transportation Security Administration issued three new security directives in July of 2004 that changed security screening procedures at U.S. airports and closed a gaping loophole in the nation's aviation security system.** TSA will now require that all airport vendor employees pass through security checkpoint screening just as passengers, pilots and flight attendants do before entering the sterile area of the airport. TSA will also require U.S. airports to reduce the number of doors behind security checkpoints used by airport and airline employees and enhance security for the few doors that remain operational. In addition, the agency will require enhanced background checks for workers in restricted areas.

► **DeFazio was an original co-sponsor of H.R. 5121, legislation that was introduced in response to the 9/11 commission report and to further protect the United States aviation system from terrorist attacks.** This legislation, which has been approved by the House Transportation and Infrastructure Committee in September 2004, includes several DeFazio authored provisions including: (1) doubling the mandatory funding for installation of in-line explosive detection systems, (2) \$60 million over two years to purchase explosive detection technology (such as trace portals) for use at security checkpoints, (3) requiring TSA to submit a report to Congress on airport perimeter security and the feasibility of screening all individuals prior to entry into secure areas of an airport, (4) a pilot program that would allow Federal Flight Deck Officers to carry weapons on their persons, (5) a requirement for TSA to report to Congress within six months on the costs and benefits of secondary flight deck barriers and whether they should be mandated, and, (6) a study on the viability of discreet methods of communication for flight deck cabin crew to notify pilots in the event of a security breach.

► After numerous hearings and briefings on the threat of Man Portable Air Defense Systems (MANPADS—also called shoulder-fired missiles), **Rep. DeFazio, Chairman Mica and Rep.**

**Steve Israel introduced, H.R. 4056, the Commercial Aviation MANPADS Defense Act of 2004.** This legislation encourages the President to (1) pursue strong international diplomatic and cooperative efforts to reduce the number of MANPADS worldwide, (2) limit the transfer and proliferation of MANPADS, and (3) would expedite the Federal Aviation Administration airworthiness and safety certification process for countermeasure systems. H.R. 4056 was unanimously adopted by the House of Representatives in July and is currently awaiting action in the Senate.

▸ **DeFazio was an original co-sponsor of H.R. 2144, the Aviation Security Technical Corrections and Improvements Act of 2003.** This legislation included several provisions to improve aviation security including: a directive for TSA to improve equipment at passenger screening checkpoints so they will be able to detect plastic weapons and explosives, a pilot program for cargo security, a requirement for TSA to develop a trusted traveler program within 1 year, a study to identify and analyze security threats faced by U.S. airports, and a study to evaluate blast-resistance cargo container technology. This legislation was approved by the Transportation and Infrastructure Committee in June 2003, but was never considered by the full House.

▸ **DeFazio is an original cosponsor of H.R. 4914, the Aviation Biometric Technology Utilization Act.** This legislation directs TSA to develop guidance for the use of biometrics in airport access control systems within four months of enactment and authorizes additional funding for installation of biometric access control systems. In addition, the bill would require the development of a Law Enforcement Officer travel credential that includes biometric identifiers and is uniform across all Federal, State, and local government law enforcement agencies. This travel credential would be used to verify the identity of Federal, State or local law enforcement officers seeking to carry a weapon onboard an aircraft.

▸ **Concerned about under-funding of a variety of homeland security programs, including port security and funding for first responders, DeFazio voted in favor of a budget amendment, H.Res. 685, authored by Rep. David Obey to add \$3 billion for homeland security efforts.** This increased investment was paid for by slightly lowering the tax cuts going to millionaires. Unfortunately, this amendment was defeated 184-230 on June 24, 2004.

▸ From his seat on the House Select Committee on Homeland Security, **DeFazio has sought more funding for state and local security efforts and to increase flexibility of federal funding streams. DeFazio introduced H.R. 2570, the State Threat Alert Reimbursement (STAR) Act, which would allow state and local governments to receive federal reimbursement for the increased security costs that result from Code Orange and Code Red alerts.** The DeFazio legislation was incorporated into a broader Democratic homeland security bill, H.R. 3158, introduced by Ranking Member Jim Turner (D-TX). A similar reimbursement provision was also included in a broader homeland security bill, H.R. 3266, drafted by the Committee Chairman Chris Cox (R-CA). H.R. 3266 was approved by the House Select Committee on Homeland Security on November 20, 2003. Additional committees of jurisdiction have yet to act on the measure.

▸ **DeFazio followed-up his threat reimbursement legislation by questioning Admiral Loy of the Department of Homeland Security regarding reimbursements at a February 2004 hearing.** Loy indicated the Department would be reimbursing states for the extra costs associated with the Orange Alerts in December 2003-January 2004. DeFazio wrote to DHS seeking clarification on the reimbursements, including what expenses would be covered, under what authority was DHS acting, how do states and localities apply etc.

▸ **DeFazio also introduced H.R. 1915, legislation to allow states more flexibility in the use of federal homeland security money.** Under current law, states must allocate money for equipment, training, exercises and planning based on a rigid formula. H.R. 1915 would allow states the flexibility to spend the money on the highest priority items without regard to the rigid federal formula.

▸ **DeFazio took the lead in enhancing the weapons of mass destruction response capabilities of the Oregon National Guard.** DeFazio offered an amendment to H.R. 1559, a supplemental spending bill for the invasion and occupation of Iraq, to reduce economic aid for Turkey and transfer the money to establish new National Guard Weapons of Mass Destruction Civil Support Teams (WMD CSTs) in the U.S. These teams provide critical assistance and unique expertise to already overburdened state and local jurisdictions with respect to attacks or suspected attacks involving weapons of mass destruction. The DeFazio amendment failed 113-312 on April 3, 2003. DeFazio then offered an amendment to H.R. 2658, the Fiscal Year 2004 Department of Defense appropriations act, to earmark money for additional National Guard Weapons of Mass Destruction Civil Support Teams (there was no money for teams in the original version). DeFazio agreed to withdraw his amendment in exchange for a commitment from the Chairman and Ranking Member to add teams in the conference bill. **In response to the commitment made to DeFazio, the final version of H.R. 2658 included money for 12 additional WMD CSTs. DeFazio coordinated a letter to the Assistant Secretary of Defense for Homeland Defense from the entire Oregon House delegation requesting that one of the 12 additional teams be provided to Oregon. The Pentagon announced on March 9, 2004, that the Oregon National Guard was awarded a WMD CST.**

▸ **DeFazio joined his Democratic colleagues on the House Select Committee on Homeland Security in writing to the House Appropriations Committee in support of adequate funding for a variety of homeland security priorities in fiscal year 2005, including: \$290 million for preventing nuclear/radiological weapons entry into the U.S.; \$3.2 billion for first responders; \$491 million for port security; \$250 million for rail security; \$500 million for airport security upgrades/explosives detection systems; \$150 million for cargo security; \$700 million for federal air marshals; and \$242 million for border security infrastructure.**

▸ **DeFazio cosponsored H.R. 4355, the Secure Containers from Overseas and Seaports from Terrorism Act (Secure COAST Act), which would strengthen port security by establishing an improved container security regime, and expand on the Maritime Transportation Security Act of 2002 to strengthen the Coast Guard port security mission.**

▸ **DeFazio also cosponsored H.R. 4361, the Safe Transit and Rail Awareness and Investments for National Security Act of 2004, which will provide for the security of public transportation systems in the United States.**

▸ **DeFazio was an original cosponsor of H.R. 4896, Protecting Railroad Operators, Travelers, Employees, and Communities with Transportation Security Act of 2004.**

Among other things, this legislation would require the development of vulnerability assessments and prioritization of the vulnerabilities, authorizes grants to railroad carriers for reimbursement of costs incurred to prevent or respond to acts of terrorism, sabotage, or other railroad security threats, and authorizes grants to Amtrak for security improvements.

▸ **DeFazio joined his Democratic colleagues on the House Select Committee on Homeland Security in drafting a comprehensive strategy for dealing with homeland security threats** to our ports, borders, transportation systems, food supply, cyberspace etc. The report was released in February 2004.

▸ **DeFazio helped secure \$75,000 in the fiscal year 2004 Consolidated Appropriations Act (H.R. 2673) for Lane County Public Health Facilities** to help expand and enhance its public health facilities to better respond to public health crises including acts of bioterrorism.

▸ DeFazio is a cosponsor of H.R. 1118, the Staffing for Adequate Fire and Emergency Response Firefighters Act (the SAFER Act). This legislation authorizes the U.S. Fire Administration to make grants to fire departments to cover increased staffing (similar to the COPS program). Similar legislation was rolled into the fiscal year 2004 Department of Defense Authorization bill (P.L. 108-136). DeFazio contacted appropriators in writing in support of full funding for this program for fiscal year 2005.

▸ DeFazio is a cosponsor of H.R. 2250, legislation to require the Secretary of Homeland Security to improve the ability of the federal government to notify and communicate threats to citizens and their elected officials.

▸ DeFazio is a cosponsor of H.R. 4400, legislation to establish a grant program to improve interoperable communications at the state and local level.

▸ During consideration of H.R. 2122, Project BioShield, in the House Select Committee on Homeland Security, DeFazio offered an amendment to require a national assessment of our vulnerability to *chemical* terrorism. This amendment was accepted by the Committee, but was removed from the final version of the legislation signed into law in July 2004.

▸ DeFazio is a cosponsor of H.R. 1676, the Federal Law Enforcement Officers Pay Equity and Reform Act, legislation to improve the pay of federal law enforcement officers.

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**In the 107th Congress (2001-2002)**

- ▶ As a senior member of the House Transportation and Infrastructure Committee and the Aviation Subcommittee, and a long-time critic of inadequate aviation security, DeFazio was a key player in Congress' efforts to improve aviation security following the September 11, 2001, terrorist attacks. On September 14, 2001, DeFazio introduced H.R. 2895, legislation to federalize airport security screeners, expand the air marshal program, and restrict carry-on luggage. DeFazio was also a lead cosponsor of comprehensive security legislation, H.R. 3110, drafted with Ranking Member James Oberstar. As a member of the Aviation and Transportation Security Act Conference Committee, DeFazio successfully pressed for inclusion of several provisions from H.R. 2895 and H.R. 3110, including federalization of security screeners, securing cockpit doors, and expansion of the federal air marshal program. The final aviation security measure (S. 1447) was signed into law on November 19, 2001.
- ▶ DeFazio offered an amendment to H.R. 4635, the Arming Pilots Against Terrorism Act, to lift the two percent cap on the number of pilots who could be armed, thus allowing any eligible pilot to be armed. The amendment also made the arming pilots program permanent and accelerated the training of qualified pilots. The DeFazio amendment was approved 250-175 on July 10, 2002. A procedural move by the top Democrat on the Transportation Committee forced a second vote on the amendment, which was then approved a second time 251-172. The Senate followed DeFazio's lead and approved an amendment to allow the arming of pilots on September 5, 2002, by a vote of 87-6. A final version of the arming pilots provision was incorporated into the legislation, H.R. 5005, establishing the Department of Homeland Security. H.R. 5005 was signed into law on November 25, 2002.
- ▶ Appointed to the Democratic Homeland Security Task Force. DeFazio helped the Homeland Security Task Force draft H.R. 3255, the "Bioterrorism Protection Act (BioPact) of 2001." BioPact included a number of provisions to enhance our nation's ability to respond to terrorist attacks, including provisions to secure our borders and crackdown on illegal immigration. BioPact also included money to improve our nation's public health infrastructure; increase the national stockpile of vaccines; and enhance planning and coordination at the state and local level. Additional sections of this legislation dealt with protecting our food and water supply. Scaled-down versions of many of these provisions were included by the congressional leadership in the supplemental appropriations bill approved by Congress as a part of the FY02 Defense Appropriations bill on December 20, 2001.
- ▶ DeFazio played a role in the Maritime Transportation Antiterrorism Act of 2002, H.R. 3983, which authorizes \$249 million in grants over three years for enhanced facility security at U.S. ports, and establishes a comprehensive national antiterrorism system supported by port vulnerability assessments conducted by the Coast Guard. The bill included three provisions pushed by DeFazio to require vessels that enter U.S. waters to give 96-hour notification before entering, be equipped with transponders, and create response plans for use in the event of a catastrophic emergency. H.R. 3983 was approved by the House on June 4, 2002. H.R. 3983 was incorporated into S. 1214, the Port and Maritime Security Act of 2001, which was signed into law on November 25, 2002.
- ▶ In the fiscal year 2002 Commerce, Justice, State and the Judiciary Appropriations Act, (H.R.

2500), DeFazio secured \$750,000 to help modernize the currently outdated Lane County multi-agency, multi-function information system which serves local law enforcement and emergency medical service agencies throughout Lane County. DeFazio secured an additional \$750,000 for this program in the fiscal year 2003 Consolidated Appropriations Act (H.J.Res. 2). The system, known as Area Information Records System, is technologically obsolete and no longer meets the current needs of participating agencies.

- ▶ DeFazio requested and received \$150,000 in H.J. Res. 2 to assist Curry County in upgrading and repairing its emergency communications system.

- ▶ DeFazio successfully earmarked \$60,000 in H.J. Res. 2 for the South Coast Inter-Agency Narcotics Team based in Coquille, Oregon.

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**In the 104th Congress (1995-1996)**

- ▶ DeFazio authored of H. R. 3831, a bill making safety the first and only priority of the Federal Aviation Administration. Prior to 1996, the FAA had a dual and conflicting mandate to both promote safety and the economic interests of the commercial aviation industry. A modified version of this bill was included in H.R.3539, the 1996 FAA Reauthorization bill, and enacted into law on October 9, 1996.

- ▶ Co-sponsored H. R. 3187, legislation to establish whistle-blower protections for airline employees who provide air safety information to authorities.

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**In the 100<sup>th</sup> Congress (1987-1988)**

- ▶ Introduced H. R. 2862, a bill directing the Administrator of the Federal Aviation Administration (FAA) to (1) conduct a study of screening methods used to detect dangerous weapons, explosives, and incendiary devices; and (2) report to the Congress on the study results.

- ▶ Co-sponsored a Rep. Foley bill, HR. 4014, to prohibit the manufacture or importation of plastic firearms that are undetectable by magnetometers. The bill would have required plastic guns to contain enough metal that they could be detected by airport security, and it would have required airports to have security checkpoints which were able to detect all existing firearms manufactured in or imported into the U. S.

- ▶ Co-sponsored H. R. 4023 and H. R. 4113, legislation to establish whistle-blower protections for airline employees who provide air safety information to authorities. 106<sup>th</sup> Congress, H. R. 953).